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Date: October 14, 2004  
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From: Name: Manu Kashyap, Intellectual Property Paralegal  
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Re: 10/648,602

Number of Pages Including this Page 4

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**MESSAGE:**

US Serial No.: 10/648,602  
Filing Date: August 23, 2003  
Group Art Unit: 2815  
Docket No: 03-0658  
Examiner: Sheila A. Clark  
Response to Restriction Requirement

Please notify us immediately if any pages are not received.

PTO/SB/21 (09-04)

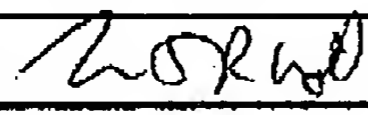
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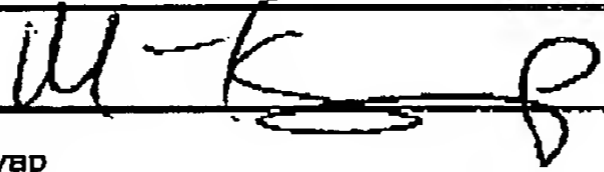
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|--|----------------------|------------------------|---------|
| <b>TRANSMITTAL<br/>FORM</b><br><br><i>(to be used for all correspondence after initial filing)</i> | Application Number   | 10/648,602             |         |
|  | Filing Date          | August 25, 2003        |         |
|  | First Named Inventor | Hongqiang Lu, et al.   |         |
|  | Art Unit             | 2815                   |         |
|  | Examiner Name        | Shella A. Clark        |         |
| Total Number of Pages in This Submission   | 3                    | Attorney Docket Number | 03-0658 |

| ENCLOSURES (Check all that apply)  |  |  |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks<br>Response to Restriction Requirement   |  |  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |          |        |
|--|---|----------|--------|
| Firm Name                                  | LSI Logic Corporation   |          |        |
| Signature                                  |  |          |        |
| Printed name                               | Timothy R. Croll  |          |        |
| Date                                       | October 14, 2004  | Reg. No. | 36,771 |

| CERTIFICATE OF TRANSMISSION/MAILING   |  |      |            |
|---|--|------|------------|
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| Signature   |  |      |            |
| Typed or printed name   | Manu Kashyap   | Date | 10/14/2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Hongqiang Lu, et al. )  
 ) Group Art Unit: 2815  
 )  
Serial No.: 10/648,602 ) Examiner: Sheila A. Clark  
 )  
Filed: August 25, 2003 ) Atty. Docket No.: 03-0658  
 )  
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**RESPONSE TO OFFICIAL ACTION**  
**Restriction/Election Requirement**

Hon. Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This response is presented to the Office Action mailed October 1, 2004, wherein the Examiner required restriction pursuant to 35 U.S.C. §121. Election is hereby made, *with traverse*, to prosecute Group I, method claims 1-14.

**Remarks/Arguments**

Reconsideration of the restriction is respectfully requested. Restriction is not required by 35 U.S.C. §121, as suggested in the Office Action. Congress wisely granted the *discretion* to restrict applications. According to 35 U.S.C. §121 "... the Commissioner *may* require the application to be restricted...." (emphasis added).

Furthermore, MPEP § 803 lists two criteria that must be present for restriction to be proper:

- 1) The inventions must be independent or distinct as claimed; and
- 2) There must be a serious burden on the examiner if restriction is required.

In searching the Group I claims, the class and subclass for the Group II claims will undoubtedly be searched, to ensure that no relevant art is overlooked. For this reason there is no significant burden on the examiner, and certainly no serious burden as required by MPEP §121.

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